

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

AMERITOX, LTD. and U.D. TESTING, INC.,	)	
	)	
Plaintiffs,	)	No. 08 C 4513
v.	)	
	)	Honorable Marvin E. Aspen
AEGIS SCIENCES CORP.,	)	
	)	
Defendant.	)	

**AEGIS SCIENCES CORP.'S  
MOTION TO REASSIGN PLAINTIFF'S MOTION TO QUASH**

Aegis Sciences Corp. ("Aegis"), by its attorney John D. Burke of Ice Miller LLP, respectfully requests that this Court reassign the Plaintiff's Motion to Quash, and in support of its motion, states as follows:

1. Ameritox, Ltd. ("Ameritox") filed a lawsuit against Aegis in the Federal District Court, Southern Division titled *Ameritox, Ltd. v. Aegis Sciences Corp.*, case no. 07-80498 (S.D. Fla.) ("the Florida Lawsuit").

2. Ameritox and Aegis are clinical labs that perform drug testing. Ameritox alleges that Aegis was infringing on it's patented methodology. Aegis denies Ameritox's claim and asserts that Ameritox has used the Florida Lawsuit to disparage Aegis and to cause harm to Aegis.

3. On or about July 25, 2008, Aegis served a subpoena duces tecum upon Sterling Partners ("Sterling"). Sterling is a private equity firm and Ameritox is one of Sterling's portfolio companies.

4. On August 11, 2008, Sterling Partners filed a motion to quash the subpoena. The law firm of Bell Boyd and Lloyd represents Sterling in connection with motion to quash and Ameritox in the Florida Lawsuit.

5. On August 13, 2008, Sterling Partners noticed its motion for hearing on August 21, 2008.

6. On August 15, 2008, the Motion to Quash was reassigned to Magistrate Cole.

7. Unfortunately, Magistrate Cole is absent from the court from August 11, 2008 through August 29, 2008.

8. The next date that he can hear motions is September 3, 2008.

9. The parties in the Florida Lawsuit are facing a discovery cut-off of October 20, 2008.

10. Expert reports are due on August 22, 2008 and rebuttal reports are due on September 19, 2008.

11. Aegis needs the subpoenaed documents so that it can prepare for depositions prior to the discovery cut-off date and possibly to aid in the preparation of rebuttal reports.

12. Respondent Aegis requests that the case be reassigned to a Magistrate that can hear the motion promptly.

**FOR THE FOREGOING REASONS**, Defendant Aegis Sciences Corp. respectfully requests that the Court reassign Plaintiff's Motion to Quash, or refer it to the Executive Committee for reassignment.

**AEGIS SCIENCES CORP.**

By: /s/ John D. Burke  
One of Its Attorneys

John D. Burke (ARDC No. 06203918)  
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**CERTIFICATE OF SERVICE**

John D. Burke, an attorney, certifies that on August 21, 2008, he served a copy of **Defendant's Motion to Reassign Plaintiff's Motion to Quash** by electronic filing upon:

Michael R. Osterhoff, Esq.  
Bell, Boyd & Lloyd, LLP  
70 West Madison, Suite 3100  
Chicago, Illinois 60606-4207

/s/ John D. Burke  
John D. Burke